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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,114	11/14/2000	Brian Harniman	17200-067US1	4946

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EXAMINER	
NELSON, FREDA ANN	
ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/716,114	HARNIMAN ET AL.	
	Examiner	Art Unit	
	FREDA A. NELSON	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-12 and 14-199* is/are pending in the application.

4a) Of the above claim(s) *15-72,81-132 and 141-194* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-12,14,73-80,133-140 and 194-199* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The amendment received on May 28, 2008 is acknowledged and entered. Claims 1, 133, and 195 have been amended. Claims 8 and 13 have been canceled. Claims 15-72, 81-132, and 141-194. No claims have been added. Claims 1-7, 9-12, and 14-199 are currently pending.

Response to Arguments

Applicant's arguments filed May 28, 2008 have been fully considered but they are not persuasive.

In response to applicant's arguments that in regards to claim 1, both of Tavor's scenarios are different from the claimed "receive[ing] a seller acceptance of said conditional purchase offer and a bounce back offer ..." as recited in the claims, the Examiner respectfully disagrees. Tavor et al. discloses for example, the system may offer the user several presents or benefits in order to secure the sale and commercial considerations are preferably included during this process. For example, the human merchant (vendor) may receive a greater benefit by giving a small discount on the shipping cost than a large discount on the price of the product; and the vendor preferably decides how to allocate control to the system (see abstract; col. 2, lines 21-30); and ff the system accepts the offer, the product is marked as "sold" for the price given by the user, and the user is notified that the offer is accepted 34. The negotiation system is then exited and the purchase process continues with the formalities, such as transferring payment through a credit card (col. 9, lines 46-55; see FIG. 2).

Specifically, Tavor et al. discloses "an acceptance" see column 9, lines 46-55, and bounce back offer further explained, see column 2, lines 55-61 and column 14, lines 5-23, as an additional product at a low cost or at no additional cost. Furthermore, the applicant's bounce back may be a discount and Tavor's negotiations may optionally decrease the price as negotiations continue, so at some point during the negotiations, either initially or during the course of the negotiations multiple conditional purchase offers and multiple bounce backs may exist and also new negotiations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 5, 9-12, 73, 77, 80, 133, 137, 140 and 198-199 are rejected under 35 U.S.C. 102(e) as being anticipated by Tavor et al. (US Patent Number 6,553,347).

As per claims 1, 73, 133, 195, and 199, Tavor et al. ('347) discloses transmitting a conditional offer to acquire a first product or service, said conditional purchase offer including a customer-specified price (col. 2, lines 9- 33; col. 4, lines 20-40);

receiving a seller acceptance of said conditional purchase offer and a bounce back offer to acquire a second product or service as part of an independent bounce

back transaction with a hyperlink to a cobranded web site (col. 4, lines 35-40; col. 2, line 30-61; (col. 8, lines 16-23; col. 9, line 46 – col. 10, line 32; col. 14, lines 5-23);

accessing said cobranded web site to effectuate said bounce back transaction with a supplier-partner for said second product or service (col. 9, line 46-col. 10, line 32).

As per claims 5, 77, 137 and 198, Tavor et al. ('347) further discloses a jump page (col. 10, lines 30-32).

As per claim 9, Tavor et al. ('347) further discloses a making an offer to acquire a second product or service in said cobranded website (col. 9, line 46 – col. 10, line 32).

As per claim 10, Tavor et al. ('347) further discloses receiving an offer to acquire said second product or service in said cobranded website (col. 9, line 46 – col. 10, line 32).

As per claim 11, Tavor et al. ('347) further discloses either accepting or rejecting said offer or making a counter offer in said cobranded website (col. 9, line 46 – col. 10, line 32).

As per claim 12, Tavor et al. ('347) further discloses choosing not to make an offer or accept an offer to acquire said second product or service in said cobranded website (col. 9, line 46 – col. 10, line 32).

As per claims 80 and 140, Tavor et al. ('347) further discloses receiving, accepting or rejecting an offer to acquire said second product or service in said cobranded website (col. 9, line 46 – col. 10, line 32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2-3, 74-75, 134-135 and 196 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tavor et al. (US Patent Number 6,553,347).

As per claims 2, 74, 134, and 196 Tavor et al. ('347) is not limited by type of product or service, but does not specifically disclose the second product or service is an automobile rental, hotel reservation or airline ticket.

Official notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al. (US Patent Number 5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Tavor et al. ('347) for the benefit of maximizing sales of products or services.

As per claims 3, 75, and 135, Tavor et al ('347) is not limited by type of product or service, but does not specifically disclose the first product or service is a hotel reservation or airline ticket.

Official notice is taken that conditional purchase offers for airline tickets, hotel rooms, or rental cars are old and well known in the art, see assignee's reference Walker et al. (US Patent Number 5,794,207) figure 5 (515) for the benefit of maximizing sales of products or services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to sell airline tickets in the invention of Tavor et al. ('347) for the benefit of maximizing sales of products or services.

3. Claims 4, 6-7, 76, 78-79, 136, 138-139 and 197 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tavor et al (6,553,347), in view of Microsoft Office 2000 Professional Edition (hereinafter referred to as “Microsoft Office 2000”).

As per claims 4, 76, 136 and 197, Tavor et al ('347) does not specifically disclose the use of email containing a hyperlink to a cobranded web site.

Official notice is taken that email for communications is old and well known in the art, see assignee's reference Walker et al (US Patent Number 5,794,207) col. 9, lines 52-59 for the benefit of maximizing communication options.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to communicate with email for the benefit of maximizing communication options.

Microsoft Office 2000 teaches, pages 450-451 embedded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

As per claims 6, 78, and 138, Tavor et al. ('347) does not specifically disclose a checkbox to defer the offer until a subsequent time.

However, Microsoft Office 2000 teaches, pages 471 and 480, a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to have a checkbox to defer the message to a later time for the benefit of allowing mail recipients to defer action on the content of an email.

As per claims 7, 79, and 139, Tavor et al. ('347) does not specifically disclose an email containing a hyperlink.

However, Microsoft Office 2000 teaches, pages 450-451 embedded hyperlinks in email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tavor et al. (6,553,347), in view of Logan et al. (US Patent Number 6,199,076).

As per claim 14, Tavor et al ('347) does not disclose inquiring as to said second product or service and receiving through an interactive voice mail feature a referral to said supplier-partner.

However, Logan et al ('076) teaches the equivalence of voicemail or email files, see column 3, lines 42-56 and column 6-45 for the benefit of convenience to the user.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use email or voicemail as is most convenient to the user.

Microsoft Office 2000 Edition teaches, pages 450-451 embedded hyperlinks in

email messages for the benefit of allowing mail recipients to quickly open a web page from an email.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an email message with a hypertext link to a cobranded web site for the benefit of allowing mail recipients to quickly open a web page from an email.

Examiner's Note

Examiner cited particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday -Wednesday and Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A. N./
Examiner, Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628